

1 UNITED STATES DISTRICT COURT
 2 DISTRICT OF NEVADA

3 JAMES ANTHONY DAVIS,

Case No. 2:22-cv-01796-RFB-DJA

4 Plaintiff,

ORDER

5 v.

6 MICHAEL MINEV, et al.,

7 Defendants.
 8

9 **I. DISCUSSION**

10 This action began as a *pro se* civil rights complaint filed pursuant to 42 U.S.C. §
 11 1983 by an individual who was in the custody of the Nevada Department of Corrections
 12 at the time he initiated this case. At the time Plaintiff initiated this case, Plaintiff submitted
 13 an application to proceed *in forma pauperis* for prisoners. (ECF No. 4). The Court later
 14 appointed Plaintiff counsel. (ECF No. 7). Plaintiff is currently paroled. (ECF No. 21).

15 In this Court's screening order, the Court deferred a decision on the application to
 16 proceed *in forma pauperis*. (ECF No. 15). The screening order also imposed a 90-day
 17 stay and the Court entered a subsequent order in which the parties were assigned to
 18 mediation by a court-appointed mediator. (ECF Nos. 15, 18). The parties were unable
 19 to mediate as scheduled. (See ECF No. 20). The parties now file a joint status report
 20 indicating that they no longer wish to mediate and would like to proceed onto the normal
 21 litigation track. (ECF No. 21).

22 The Court will remove this case from the Inmate Early Mediation Program.
 23 However, before this case may proceed onto the normal litigation track, Plaintiff must
 24 either submit an application to proceed *in forma pauperis* by a non-prisoner or pay the full
 25 \$402 filing fee for a civil action. After the Court determines the matter of the payment of
 26 the filing fee, the Court will issue an order on the matter of service.

27 **II. CONCLUSION**

28 For the foregoing reasons, IT IS ORDERED that Plaintiff's application to proceed

1 *in forma pauperis* for prisoners (ECF No. 4) is denied as moot.


2 IT IS FURTHER ORDERED that the Clerk of the Court will send Plaintiff the
3 approved form application to proceed *in forma pauperis* by a non-prisoner, as well as the
4 document entitled information and instructions for filing an *in forma pauperis* application.

5 IT IS FURTHER ORDERED that **on or before January 19, 2024**, Plaintiff will
6 either: (1) file a fully complete application to proceed *in forma pauperis* for non-prisoners;
7 or (2) pay the full filing fee of \$402.

8 IT IS FURTHER ORDERED that if Plaintiff does not timely comply with this order,
9 dismissal of this action may result.

10 IT IS FURTHER ORDERED that upon the resolution of the matter of the filing fee
11 this Court will issue a subsequent order on the matter of service.

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13 DATED: December 20, 2023.

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16 UNITED STATES MAGISTRATE JUDGE
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